

Message

From: Frye, Tony (Robert) [frye.robert@epa.gov]
Sent: 1/23/2019 9:32:19 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]
CC: Beck, Nancy [Beck.Nancy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]
Subject: RE: 152

No worries, I didn't catch it till I got through everybody's feedback made it in. Thank you all for being quick to respond!

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Dunn, Alexandra
Sent: Wednesday, January 23, 2019 4:27 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Re: 152

All good. Sorry we missed it. Was assigned to OW but clearly ours.

Sent from my iPhone

Alexandra Dapolito Dunn, JD
US EPA
(857) 291-4405 mobile

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On Jan 23, 2019, at 4:22 PM, Frye, Tony (Robert) <frye.robert@epa.gov> wrote:

Cleaned up a bit:

The preemption provisions of the Lautenberg Amendments to TSCA contain important direction that address when state actions will be preempted or not. EPA will follow all requirements of the statute with regard to preemption.

Let me know if you have concerns

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Beck, Nancy
Sent: Wednesday, January 23, 2019 4:21 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Re: 152

Agreed.

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: [202-564-1273](tel:202-564-1273)
beck.nancy@epa.gov

On Jan 23, 2019, at 4:16 PM, Palich, Christian <palich.christian@epa.gov> wrote:

That one sounds good to me.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: 202.306.4656
E: Palich.Christian@epa.gov

From: Dunn, Alexandra
Sent: Wednesday, January 23, 2019 4:16 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: Re: 152

How about:

The preemption provisions of the Lautenberg Amendments to TSCA contain important provisions that address when state actions Will be preempted or not. EPA will follow all provisions of the statute with regard to preemption.

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Alexandra Dapolito Dunn, JD
US EPA
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On Jan 23, 2019, at 4:07 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

I think the approach in the management plan is a bit too different and doesn't get into who has what authority. It would be a big change to add this issue to it. May never get past OMB. However others may be thinking of this differently.

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: [202-564-1273](tel:202-564-1273)
beck.nancy@epa.gov

On Jan 23, 2019, at 4:05 PM, Frye, Tony (Robert) <frye.robert@epa.gov> wrote:

Is there a way to address it through the management plan and the need to work with states to accurately articulate risk?

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Beck, Nancy
Sent: Wednesday, January 23, 2019 3:54 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: Re: 152

Wow. Quite the question. Not sure how we missed this. Unless AAW is an expert in the TSCA preemption provisions, would a response along the lines of "if confirmed I promise to look into this" work??

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: [202-564-1273](tel:202-564-1273)

beck.nancy@epa.gov

On Jan 23, 2019, at 3:49 PM, Dunn, Alexandra
<dunn.alexandra@epa.gov> wrote:

Several states, including my home state of Vermont, have set health advisories for drinking water containing PFAS chemicals that are significantly more stringent than the EPA's lifetime health advisory level. The most recent update to the Toxic Substances Control Act (TSCA) contained a provision that protects states that had more stringent standards on the books before April 22, 2016 (Sec. 13 State-Federal Relationship, 15 USC § 2617(e)(1)(A)). If confirmed, will you commit to avoiding any actions that would preempt states' ability to enforce health advisory levels for PFAS enacted before April 22, 2016 that are more stringent than the EPA's standards? If you will not make this commitment, please explain why you believe that TSCA prevents states from enforcing more stringent requirements the state had established before April 22, 2016.

Sent from my iPhone

Alexandra Dapolito Dunn, JD
US EPA
(857) 291-4405 mobile

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On Jan 23, 2019, at 3:37 PM, Frye, Tony (Robert) <frye.robert@epa.gov> wrote:

Hey Team — do you all
have a response for q
152?

Thanks

Tony